

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:)	
SCOTT J. FRANKEL AND SHELLY T. FRANKEL,)	BANKRUPTCY NO. 20-20542-CMB
Debtors)	CHAPTER 7
SCOTT J. FRANKEL AND SHELLY T. FRANKEL,)	
Movants,)	Docket No. _____
v.)	
CHAS M. SLEDD COMPANY,)	
Respondents.)	

MOTION TO AVOID JUDICIAL LIEN OF CHAS M. SLEDD COMPANY

AND NOW come, Scott J. Frankel and Shelly T. Frankel, as husband and wife (“Debtors”), by and through their undersigned counsel The Lynch Law Group, LLC and Michael C. Mazack, Esquire and move for an order pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to avoid a judicial lien held by Chas M. Sledd Company (“Respondent”), and in support of this Motion state:

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1334(a). This matter is a core proceeding as provided by 28 U.S.C. § 157(b)(2)(K).
2. The Debtors filed a voluntary petition under Chapter 7 of the Bankruptcy Code on February 14, 2020.
3. The Debtor is entitled to an exemption in the Property in the amount of \$25,150, pursuant to 11 U.S.C. § 522(d)(1).
4. The Property has a fair market value of \$250,000.00.

5. The Property is subject to two judicial liens held by Chas M. Sledd Company. One judicial lien is in the amount of \$448,500.00 plus interest and costs and was filed with the Court of Common Pleas of Westmoreland County, Pennsylvania on July 26, 2017 at case no. 3723 of 2017 (Judgment Lien I). A true and correct copy of Judgment Lien I is attached hereto as Exhibit A.

6. The second judicial lien is in the amount of \$616,937.27 including attorneys' fees, costs and interest, and is based upon a judgment that was filed with the Court of Common Pleas of Westmoreland County, Pennsylvania at Case No. 3718 of 2018 on August 20, 2018 (Judgment Lien II). A true and correct copy of Judgment Lien II is attached hereto as Exhibit B.

7. The Property is subject to the following liens:

Mr. Cooper Home Mortgage	\$ 75,809.85
Key Bank Home Equity Line of Credit	\$102,137.85
Chas M. Sledd Company (Judgment I)	\$448,500.00
Chas M. Sledd Company (Judgment II)	\$665,416.03
Total:	\$1,291,863.72

8. Respondent holds a judicial lien which impairs an exemption that has been claimed by the Debtor in the following property: 111 Wynwood Court, Irwin, PA 15642 (the "Property").

9. The Debtors claim an exemption in the above-mentioned property pursuant to Federal Rule of Bankruptcy Procedure 1009(a) in the amount of \$25,150.00 pursuant to 11 U.S.C. § 522(d)(1).

10. The Property has a fair market value of \$250,000.00.

11. The Debtors state that Judgment II impairs the Debtor's exemption following the formula set forth in 11 U.S.C. § 522(f)(2):

Amount of Subject Lien (Judgment II)	\$ 665,416.03
Aggregate amount of other liens on the Property	\$ 626,447.70

Plus the value of Exemption Debtors could claim if there were no liens on the Property	\$ 25,150.00
Total:	\$1,317,013.73
Minus the value of Debtors' interest in property in absence of any liens (\$250,000-)	\$1,067,103.73

12. Because the extent of the impairment \$1,067,103.73 exceeds the entire value of Judgment II, the entire lien is avoidable.

WHEREFORE, the Debtors respectfully request this Court enter an Order:

- A. Avoiding Judgment II in its entirety; and
- B. Grant such other relief as is fair and equitable.

Respectfully submitted,

THE LYNCH LAW GROUP, LLC

/s/ Michael C. Mazack, Esq.
Michael C. Mazack, Esquire
Pa. I.D. 205742
mmazack@lynchlaw-group.com
ksnyder@lynchlaw-group.com

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Respondents.)	

PROPOSED ORDER OF COURT

AND NOW, this _____ day of _____, 2021, in consideration of the within Motion to Avoid Judicial Lien, it is hereby ORDERED, ADJUDGED and DECREED that Respondent's Motion is GRANTED. The judgment lien held by Chas M. Sledd Company in the amount of \$616,937.27 filed in the Court of Common Pleas of Westmoreland County, Pennsylvania at Case No. 3718 of 2019 shall be and is hereby avoided.

IT IS FURTHER ORDERED that Chas M. Sledd Company is hereby directed to file any and all appropriate paperwork with the Prothonotary of Westmoreland County, Pennsylvania to make said judgment lien as satisfied.

BY THE COURT:

_____, J